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|-------------------------------|------------------------|---------------------|
| <b>Notice of Allowability</b> | Application No.        | Applicant(s)        |
|                               | 10/829,621             | LUICK, DAVID ARNOLD |
|                               | Examiner<br>Daniel Kim | Art Unit<br>2185    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the arguments filed 12/18/06.
2.  The allowed claim(s) is/are 1-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

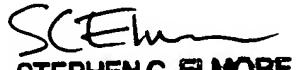
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
STEPHEN C. ELMORE  
PRIMARY EXAMINER

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Roy Truelson, registration number 34,265 on January 12, 2007.

**2. In the claims:**

Claim 1, line 10,

replace "its" with --said bank predict value's--;

Claim 10, line 13,

replace "its" with --said bank predict value's--;

Claim 20, line 15,

replace "its" with --said bank predict value's--;

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

In independent claims 1, 10 and 20 directed towards a digital data processing device, the following features taken in combination with the remaining limitations in the independent claims are not found in and/or are not obvious in view of the prior art of record.

**Claim 1,** *"wherein said instruction logic selects, from among a set of multiple instructions eligible to execute by said execution logic, a subset of multiple instructions for concurrent execution by said execution logic, said instruction logic using said bank predict values of said instructions to select multiple instructions which access said first cache for inclusion in said subset".*

**Claim 10,** *"wherein said instruction logic selects, from among a set of multiple instructions eligible to execute by said execution logic, a subset of multiple instructions for concurrent execution by said execution logic, said instruction logic using said bank predict values of said instructions to select multiple instructions which access said first cache for inclusion in said subset".*

**Claim 20,** *"said instruction logic using a respective bank predict value associated with at least some instructions accessing said cache to select instructions for inclusion in said subsets by predicting whether multiple instructions accessing said cache can be concurrently executed without conflict by said processing device, each respective said bank predict value predicting a bank of said cache to be accessed by its associated instruction".*

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Contact Information***

5. Any inquiries concerning this action or earlier actions from the examiner should be directed to Daniel Kim, reachable at 571-272-2742, on Mon-Fri from 10:00am-6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah, is also reachable at 571-272-4098.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information from published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. All questions regarding access to the Private PAIR system should be directed to the Electronic Business Center (EBC), reachable at 866-217-9197.

DK

1-11-07

  
STEPHEN C. ELMORE  
PRIMARY EXAMINER